

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 21, 2014

AMENDED IN SENATE APRIL 3, 2014

**SENATE BILL**

**No. 1337**

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**Introduced by Senator DeSaulnier**

February 21, 2014

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An act to ~~amend Section 6253 of, and to add Section 7550.7 to, to~~ the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1337, as amended, DeSaulnier. ~~Public records and reports.~~  
*Reports.*

~~(1) The California Public Records Act requires every state or local agency to make public records open to inspection at all times during regular office hours and provides that every person has a right to inspect any public record, except as specified. Existing law requires a state or local agency to determine whether a request seeks copies of disclosable public records in the possession of the agency within 10 days from the receipt of the request, except as specified.~~

This bill would require a state agency to provide a public record within 30 days of the date that the agency has determined that a request is for a disclosable public record in the possession of the agency, except in unusual circumstances, as provided.

~~(2) Existing~~

*Existing* law generally sets out the requirements for the submission of written reports by public agencies to the Legislature, the Governor, the Controller, and state legislative and other executive entities.

This bill would require a written report, as defined, submitted by any state agency or department to the Legislature, a Member of the Legislature, or any state legislative or executive body to include a signed statement by the head of the agency or department declaring that the factual contents of the written report are true, accurate, and complete to the best of his or her knowledge.

This bill would also make any person who declares as true any material matter pursuant to these provisions that he or she knows to be false liable for a civil penalty not to exceed \$20,000.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 6253 of the Government Code is amended~~  
2     ~~to read:~~  
3     ~~6253. (a) Public records are open to inspection at all times~~  
4     ~~during the office hours of the state or local agency and every person~~  
5     ~~has a right to inspect any public record, except as hereafter~~  
6     ~~provided. Any reasonably segregable portion of a record shall be~~  
7     ~~available for inspection by any person requesting the record after~~  
8     ~~deletion of the portions that are exempted by law.~~  
9     ~~(b) Except with respect to public records exempt from disclosure~~  
10    ~~by express provisions of law and as provided in subdivision (c),~~  
11    ~~each state or local agency, upon a request for a copy of records~~  
12    ~~that reasonably describes an identifiable record or records, shall~~  
13    ~~make the records promptly available to any person upon payment~~  
14    ~~of fees covering direct costs of duplication, or a statutory fee if~~  
15    ~~applicable. Upon request, an exact copy shall be provided unless~~  
16    ~~impracticable to do so.~~  
17    ~~(c) Each agency, upon a request for a copy of records, shall,~~  
18    ~~within 10 days from receipt of the request, determine whether the~~  
19    ~~request, in whole or in part, seeks copies of disclosable public~~  
20    ~~records in the possession of the agency and shall promptly notify~~  
21    ~~the person making the request of the determination and the reasons~~  
22    ~~therefor. In unusual circumstances, the time limit prescribed in~~  
23    ~~this section may be extended by written notice by the head of the~~  
24    ~~agency or his or her designee to the person making the request,~~  
25    ~~setting forth the reasons for the extension and the date on which~~  
26    ~~a determination is expected to be dispatched. No notice shall~~

1 specify a date that would result in an extension for more than 14  
2 days. When the agency dispatches the determination, and if the  
3 agency determines that the request seeks disclosable public records,  
4 the agency shall state the estimated date and time when the records  
5 will be made available in accordance with subdivision (d). As used  
6 in this section, “unusual circumstances” means the following, but  
7 only to the extent reasonably necessary to the proper processing  
8 of the particular request:

9 (1) The need to search for and collect the requested records  
10 from field facilities or other establishments that are separate from  
11 the office processing the request.

12 (2) The need to search for, collect, and appropriately examine  
13 a voluminous amount of separate and distinct records that are  
14 demanded in a single request.

15 (3) The need for consultation, which shall be conducted with  
16 all practicable speed, with another agency having substantial  
17 interest in the determination of the request or among two or more  
18 components of the agency having substantial subject matter interest  
19 therein.

20 (4) The need to compile data, to write programming language  
21 or a computer program, or to construct a computer report to extract  
22 data.

23 (d) Once a state agency has determined that a request is for a  
24 disclosable public record in the possession of the state agency,  
25 pursuant to subdivision (c), the state agency shall promptly provide  
26 the requested public record, and the state agency shall not provide  
27 the requested public record later than 30 days after the  
28 determination. In unusual circumstances, as defined in subdivision  
29 (c), the head of the state agency or his or her designee may extend  
30 the time limit prescribed in this subdivision by providing written  
31 notice to the person making the request that sets forth the reasons  
32 for the extension and the date on which the state agency expects  
33 to provide the disclosable public record. The notice shall not  
34 specify a date that would result in an extension of more than 14  
35 days.

36 (e) This chapter shall not be construed to permit an agency to  
37 delay or obstruct the inspection or copying of public records. The  
38 notification of denial of any request for records required by Section  
39 6255 shall set forth the names and titles or positions of each person  
40 responsible for the denial.

1     ~~(f) Except as otherwise prohibited by law, a state or local agency~~  
2     ~~may adopt requirements for itself that allow for faster, more~~  
3     ~~efficient, or greater access to records than prescribed by the~~  
4     ~~minimum standards set forth in this chapter.~~

5     ~~SEC. 2.~~

6     ~~SECTION 1.~~ Section 7550.7 is added to the Government Code,  
7     to read:

8     7550.7. (a) (1) Notwithstanding any other law, a written report  
9     submitted to the Legislature, a Member of the Legislature, or any  
10    state legislative or executive body by any state agency or  
11    department shall include a signed statement by the head of that  
12    agency or department declaring that the factual contents of the  
13    report are true, accurate, and complete to the best of his or her  
14    knowledge.

15    (2) With respect to the Franchise Tax Board, the signed  
16    statement described in paragraph (1) shall be made by the executive  
17    officer of that board, and with respect to the State Board of  
18    Equalization, the statement shall be made by the executive director  
19    of that board.

20    (b) Paragraph (1) of subdivision (a) shall apply to the head of  
21    every state agency or department, including, but not limited to,  
22    elected officials of state government, and any state official whose  
23    duties are prescribed by the California Constitution.

24    (c) For purposes of this section, a “written report” is either of  
25    the following:

26    (1) A document required by statute to be prepared and submitted  
27    to the Legislature, or any state legislative or executive body.

28    (2) A document, summary, or statement requested by a Member  
29    of the Legislature.

30    (d) The declaration in the signed statement as to the truth,  
31    accuracy, and completeness of the factual contents of the written  
32    report shall not apply to any forecasts, predictions,  
33    recommendations, or opinions contained in the written report.

34    (e) Any person who declares as true any material matter pursuant  
35    to this section that he or she knows to be false shall be liable for  
36    a civil penalty not to exceed twenty thousand dollars (\$20,000).  
37    The civil penalties provided for in this section shall be exclusively  
38    assessed and recovered in a civil action brought in the name of the

1 people of the State of California in any court of competent  
2 jurisdiction by the Attorney General.

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